

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KOUNTA OUSMANE, )  
Petitioner, ) CASE NO. C11-1411-MJP  
v. )  
ERIC HOLDER, Attorney General of the ) REPORT AND RECOMMENDATION  
United States, )  
Respondent. )  
\_\_\_\_\_  
)

Petitioner Kounta Ousmane has filed a Petition for Writ of Habeas Corpus pursuant to S.C. § 2241, challenging the lawfulness of his continued detention by the United States Immigration and Customs Enforcement (“ICE”). (Dkt. No. 8.) He requests that the Court grant his release from custody, arguing that “such custody violates the due process rights of the petitioner.” *Id.* at 2. On December 2, 2011, however, respondent filed supplemental briefing with documentation which indicates that petitioner was transferred to Baltimore, and released under an Order of Supervision. (Dkt. No. 30, Ex. A.) Respondent states that because petitioner has been released from detention, his habeas petition has become moot and should be dismissed. *Id.*

01        “Article III of the Constitution limits federal ‘Judicial Power,’ that is, federal-court  
02 jurisdiction, to ‘Cases’ and ‘Controversies.’” *U.S. Parole Comm’n v. Geraghty*, 445 U.S. 388,  
03 395 (1980). For a federal court to have jurisdiction, “an actual controversy must exist at all  
04 stages of the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th  
05 Cir. 2002). “When a controversy no longer exists, the case is moot.” *Id.* “For a habeas  
06 petition to continue to present a live controversy after the petitioner’s release . . . there must be  
07 some remaining collateral consequence that may be redressed by success on the petition.” See  
08 *Abdala v. Immigration and Naturalization Serv.*, 488 F.3d 1061, 1065 (9th Cir. 2007) (internal  
09 quotation marks omitted).

10 Here, petitioner does not challenge his underlying removal order, but merely his  
11 continued detention pending the execution of that order. His release from detention, therefore,  
12 has arguably resulted in the termination of any detention. Because no collateral consequences  
13 remain, and there is no relief left to grant on his petition, the Court finds that petitioner's habeas  
14 petition is moot and should be dismissed. *See Abdala*, 488 F.3d at 1065 (holding that removal  
15 mooted habeas challenge to length of detention); *see also Picrin-Peron v. Rison*, 930 F.2d 773,  
16 776 (9th Cir. 1991) (finding that because petitioner only requested release from custody and had  
17 been released, the court could provide no further relief and the petition was properly dismissed).

18 A proposed Order accompanies this Report and Recommendation.

19 DATED this 14th day of December, 2011.

  
\_\_\_\_\_  
Mary Alice Theiler  
United States Magistrate Judge